

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIM ALLEN, et al.,

Plaintiffs,

v.

CHICAGO STEEL (PA), LLC, et al.,

Defendants.

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CIVIL ACTION

No. 10-1931

ORDER

AND NOW, this 27th day of July, 2010, upon consideration of: (1) Plaintiffs Tim Allen, Dave Bergner, Tim Bushey, Frank Ellis, Barry Gosline, Harley Green, Tracy Grogan, Aaron Grogan, Jim Ksionka, Paul McLaughlin, Joe Monhand, Tony Perrone, and Ed Sherry's (collectively, "Plaintiffs") Motion for Reconsideration of this Court's June 1, 2010 Order dismissing Plaintiffs' Complaint (Doc. No. 12); (2) Plaintiffs' Motion for Remand to the Philadelphia Court of Common Pleas (Doc. No. 7); and (3) Defendants Chicago Steel (PA), LLC, Chicago Steel (IN), LLC, Chicago Steel and Tinplate Processing, Inc., Chicago Steel and Tinplate, Inc., Chicago Steel Limited Partnership, Chicago Steel, Inc., Dan Phillips, Kathy Paxton, Bill Boak, and Claudia Eaton's (collectively, "Defendants") Motion to Dismiss (Doc. No. 4), and the Responses and Replies thereto, it is hereby **ORDERED** as follows:

(1) Plaintiffs' Motion for Reconsideration is **GRANTED**. It is **FURTHER**

ORDERED that the Court's June 1, 2010 Order (Doc. No. 11) is **VACATED** and that Plaintiffs' Motion for Enlargement of Time (Doc. No. 8) is **GRANTED**.

Plaintiffs' counsel is **ORDERED** to pay the attorneys' fees and costs associated

with Defendants' Reply to the Motion to Dismiss;

- (2) Plaintiffs' Motion for Remand is **DENIED**; and
- (3) Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. It is **FURTHER ORDERED** that Count I of the Complaint is **DISMISSED WITHOUT PREJUDICE** against Defendants Bill Boak and Claudia Eaton and that Count V of the Complaint is **DISMISSED WITHOUT PREJUDICE** against all Defendants. The Motion to Dismiss is **DENIED** in all other respects.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE